

DFCI363A.TVS  
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DEB/CSE/jv  
09/21/94



PATENT APPLICATION  
Docket No.: DFCI-363A

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David M. Knipe, Robert Finberg and  
George Siber

Serial No.: 08/278,601

Filed: July 21, 1994

For: HERPESVIRUS REPLICATION DEFECTIVE MUTANTS

|  |                   |
|--|-------------------|
| CERTIFICATE OF MAILING   |                   |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Honorable Commissioner of Patents and Trademarks, Washington D.C. 20231 |                   |
| on <u>Sept. 21, 1994</u>   | <u>Judy Breen</u> |
| Date   | Signature         |
| <u>Judy Breen</u>  |                   |
| Typed or printed name of person signing certificate  |                   |

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OCT 18 1994

APPLICATION DIVISION

TRANSMITTAL OF VERIFIED STATEMENT  
AND REQUEST FOR REIMBURSEMENT

The Honorable Commissioner  
of Patents and Trademarks  
Washington, D. C. 20231

Sir:

Please file the two enclosed Verified Statements Claiming Small Entity Status, one for Dana-Farber Cancer Institute and one for President and Fellows of Harvard College in the above-identified patent application.

Applicant's Attorney respectfully requests a reimbursement of \$820.00, one-half of the total fees paid on July 21, 1994, to be deposited in Deposit Account No. 08-0380. This request is made within the two-month period allowed for such reimbursement.

Two duplicate copies are enclosed for accounting purposes.

Respectfully submitted,

David E. Brook

David E. Brook  
Registration No. 22,592  
Attorney for Applicant(s)

Lexington, Ma. 02173  
Dated: September 21 1994

Applicant or Patentee: David Knipe,  
Robert Finberg and George Siber Attorney's  
Serial or Patent No.: 08/278,601 Docket No.: DFCI-363A  
Filed or Issued: July 21, 1994  
For: HERPESVIRUS REPLICATION DEFECTIVE MUTANTS

MAIL ROOM  
SEP 23 1994  
I HEREBY DECLARE STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(d) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the  
nonprofit organization identified below: NAME OF

ORGANIZATION The President and Fellows of Harvard College

ADDRESS OF ORGANIZATION 124 Mount Vernon Street  
Cambridge, Massachusetts 02138-5701

TYPE OF ORGANIZATION

- ☐ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
☒ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE  
(26 USC 501(a) and 501(c)(3))  
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF  
STATE OF THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)  
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE  
(26 USC 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA  
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF  
STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES  
OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies  
as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of  
paying reduced fees under section 41(a) and (b) of Title 35, United States  
Code with regard to the invention entitled HERPESVIRUS REPLICATION

DEFECTIVE MUTANTS by inventor(s)

David Knipe, Robert Finberg and George Siber described in

- ☐ the specification filed herewith  
☒ application serial no. 08/278,601, filed July 21, 1994  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

I hereby declare that rights under contract or law have been conveyed to and  
remain with the nonprofit organization with regard to the above identified  
invention.

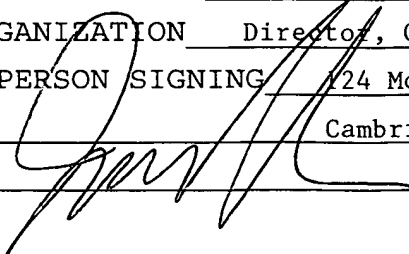
If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME Dana-Farber Cancer Institute  
ADDRESS 44 Binney Street, Boston, Massachusetts 02115  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☒ NONPROFIT ORGANIZATION

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Mrs. Joyce Brinton  
TITLE IN ORGANIZATION Director, Office for Technology & Trademark Licensing  
ADDRESS OF PERSON SIGNING 124 Mount Auburn Street  
Cambridge, Massachusetts 02138/5701  
SIGNATURE  DATE 9/20/94



65,000 205 *PA*  
UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

|                    |             |                       |                        |
|--------------------|-------------|-----------------------|------------------------|
| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-------------|-----------------------|------------------------|

08/278,601 07/21/94 KNIFE

D DFCI363A

HAMILTON, BROOK, SMITH & REYNOLDS  
TWO MILLTIA DRIVE  
LEXINGTON, MA 02123-4799

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OCT 18 1994

0000 APPLICATION DIVISION

DATE MAILED:

08/26/94

### NOTICE TO FILE MISSING PARTS OF APPLICATION FILING DATE GRANTED

An Application Number and Filing Date have been assigned to this application. However, the items indicated below are missing. The required items and fees identified below must be timely submitted **ALONG WITH THE PAYMENT OF A SURCHARGE** for items 1 and 3-6 only of \$ 1205 for large entities or \$ 450 for small entities who have filed a verified statement claiming such status. The surcharge is set forth in 37 CFR 1.16(e).

If all required items on this form are filed within the period set below, the total amount owed by applicant as a ☒ large entity, ☐ small entity (verified statement filed), is \$ 1205.

Applicant is given **ONE MONTH FROM THE DATE OF THIS LETTER, OR TWO MONTHS FROM THE FILING DATE** of this application, **WHICHEVER IS LATER**, within which to file all required items and pay any fees required above to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

1. ☐ The statutory basic filing fee is: ☐ missing ☐ insufficient. Applicant as a ☐ large entity ☐ small entity, must submit \$ \_\_\_\_\_ to complete the basic filing fee.
2. ☐ Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity, ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
3. ☐ The oath or declaration:  
☐ is missing.  
☐ does not cover items omitted at time of execution.  
  
An oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date is required.
4. ☐ The oath or declaration does not identify the application to which it applies. An oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
5. ☒ The signature to the oath or declaration is: ☒ missing; ☐ a reproduction; ☐ by a person other than the inventor or a person qualified under 37 CFR 1.42, 1.43, or 1.47. A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
6. ☐ The signature of the following joint inventor(s) is missing from the oath or declaration:  
  
\_\_\_\_\_ An oath or declaration listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.
7. ☐ The application was filed in a language other than English. Applicant must file a verified English translation of the application and a fee of \$ \_\_\_\_\_ under 37 CFR 1.17(k), unless this fee has already been paid.
8. ☐ A \$ \_\_\_\_\_ processing fee is required for returned checks. (37 CFR 1.21(m)).
9. ☐ Your filing receipt was mailed in error because check was returned without payment.
10. ☐ The application does not comply with the Sequence Rules. See attached Notice to Comply with Sequence Rules 37 CFR 1.821-1.825.
11. ☐ Other.

040 AH Direct to response and any questions about this notice to REYNOLDS Application Processing Division, Special Processing and Correspondence Branch (703) 308-1202.

**A copy of this notice MUST be returned with the response.**